

IN THE MATTER OF
NILES R. FOSTER D.P.M.

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BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS

SITTING IN AUSTIN

LICENSE NO. 1133

TRAVIS COUNTY, TEXAS

AGREED BOARD ORDER

BE IT REMEMBERED that on August 12, 1999 came on to be considered the allegations against Niles R. Foster D.P.M. By letter dated August 6, 1998, the Texas State Board of Podiatric Medical Examiners Board gave preliminary notice to Dr. Foster of its intent to investigate complaints, concerns, or reports filed against him. Dr. Foster was duly notified of the allegations against him. Dr. Foster has cooperated with the Board.

This order is executed under the authority of the Podiatric Medical Practice Act of Texas, Tex. Rev. Civ. Stat. Ann., Art. 4573d, which allows contested cases to be resolved informally. Dr. Foster, agrees to waive his rights to a formal hearing on this matter upon the signing of this order.

Dr. Foster agrees to the following order and agrees to the findings of fact, the conclusions of law and the order set out herein:

FINDING OF FACT

1. Dr. Foster is licensed as a podiatric physician in the State of Texas by the (License Number 1133) to practice podiatric medicine in the State of Texas and is therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act and the rules of the Board.
2. A complaint was filed against Dr. Foster and he was provided with an opportunity to respond to the complaint and to show compliance with the law.
3. Dr. Foster, as a podiatrist licensed in the State of Texas, must comply with the provisions of the Texas Podiatric Medical Practice Act of Texas, the Board rules and Board orders.
4. After discussion of the matters outlined in this Order, and subsequent communications between Dr. Foster and Board staff, the Board and Dr. Foster, in order to avoid the expense, delay and uncertainty of a hearing, have agreed to the entry of an Agreed Order, dispensing with the need for further action in this matter. By his signature on the Order, Dr. Foster does hereby waive his right to a formal hearing before the State Office of Administrative Hearings, and judicial review of the Order.
5. Dr. Foster failed to follow U.S. Department of Labor Occupational Safety and Health Administration guidelines;
 - By failure to provide a written exposure control plan designed to eliminate or minimize employee exposure,
 - By allowing employees to take contaminated laundry home,
 - By failure to have appropriate warning labels on infectious material containers, and
 - By failure to maintain sanitary washing facilities.

CONCLUSIONS OF LAW

1. Dr. Foster is required to follow the provisions of the Podiatric Medical Practice Act, Tex. Civ. Stat. Ann., Art. 4567, et. seq., and associated rules of the Board.
2. Art. 4573 (b) and Ch. 376, 22 Tex. Admin. Code provides for the disciplining of a licensee who violates this Board's statute and/or rules.

3. Dr. Foster failed to practice podiatric medicine in an acceptable manner consistent with public health and welfare, therefore, he was is in violation of the Texas Podiatric Medical Practice Act, Tex. Civ. Stat. Ann., Art. 4570 (d) (16), and Section 375.2 (a) of Title 22 of the Texas Administrative Code.

ORDER

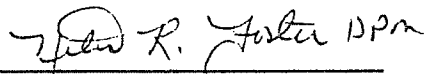
THEREFORE, PREMISES CONSIDERED, This orders and Dr. Foster agrees to the following:

1. Dr. Foster is to pay a fine of \$800.00, by check made payable to the Texas State Board of Podiatric Medical Examiners.
2. The fine is due within six months of formal notice by this State Board of this Order.
3. Failure to complete this agreement within this time will result in a \$100.00 (one hundred dollars) per day fine.

This order does not prohibit the Texas State Board of Podiatric Medical Examiners from exercising its regulatory functions.

I, Niles R. Foster D.P.M., have read and understand the foregoing Agreed Order. I understand that by signing, I waive certain right to a formal hearing before the State Office of Administrative Hearings and judicial review of this order. I sign it voluntarily.

I understand this agreed order contains the entire agreement between the parties and there is no other agreement of any kind, verbal, written, or otherwise. **THIS ORDER IS A PUBLIC RECORD.**



Niles R. Foster D.P.M.

07-12-99
Date

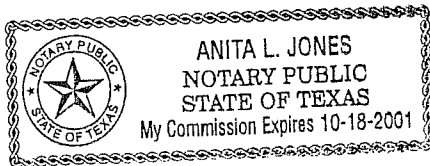
STATE OF TEXAS

COUNTY OF ECTOR

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BEFORE ME, on this day personally appeared ^{NIRS} Joseph Foster D.P.M. known to be who first being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this the 12th day of JULY, 1999.



ANITA L. JONES

Printed Name of Notary Public

A handwritten signature of Anita L. Jones in cursive script.

Notary Public, in and for the State
of Texas

SIGNED AND ENTERED by the Presiding Officer of the Texas State Board of Podiatric Medical Examiners on this the 12th day of August, 1999.

A handwritten signature of W. Preston Goforth in cursive script.

W. Preston Goforth, D.P.M.,
President, Texas State Board of
Podiatric Medical Examiners

trustee for many years.

In 1982 he moved to Wills Point where he very much enjoyed the ranch life. One of his greatest joys was to load his grandchildren into his pickup and drive them around the farm to see his cows.

He is survived by his wife of 50 years, Valta Canling Griffith of Wills Point; two sons, R. Gordon Griffith and wife, Kristen, of Garland and Craig E. Griffith and wife, Davelyn, of Midland; daughter, Marvella Griffith McElya and husband, Martin, of Dallas; seven grandchildren, Brittany and Ryan Griffith of Garland, Whitney and Andrea Griffith of Midland and Alyssa, Addison and Alexander McElya of Dallas; two sisters, Helen Martin of Oklahoma City and LeVaughn Suttles of Okmulgee, Okla. He was also preceded in death by one brother and seven sisters.

Family will receive friends at the funeral home in Wills Point Friday evening from 5 to 8 p.m.

In lieu of flowers, donations may be made to either the Alzheimer's Association or the Mission's Fund at First Baptist Church of Edgewood.



Dr. Niles Reid Foster

ODESSA — Dr. Niles Reid Foster, 46, of Odessa, died Monday, August 18, 2003, at his residence of natural causes. He was born on April 23, 1957, Shakespeare's birthday, to Vincent and Nelda Foster. Dr. Foster attended schools in Midland

and Ventura, Calif. He joined the marines in 1974 and served in the Subic Bay at the end of the Vietnam War. At the time of his discharge in 1978, he had obtained the rank of Corporal.

Dr. Foster attended Midland College, UTPB, Scholl's Podiatric College in Chicago and the San Francisco Podiatric College. After gaining his Doctorate of Podiatric Medicine, Dr. Foster was an intern at the Waco Veterans Hospital. Dr. Foster operated the Odessa Foot center at 701 Washington from 1993-2003, serving the people of Pecos, Midland, McCamey, Crane and Odessa.

Dr. Foster is preceded in death by his twin sister Karen Lynn Foster and all of his grandparents.

He is survived by Kathy Foster and children, Matt and Elizabeth, all of Odessa; father, Vincent Foster of Dallas; mother, Nelda M. Foster of Midland; brother, Bruce Evan Foster and wife, Linda and four grandchildren, Paul, Jonathon, Samantha and Anna of Midland; and uncle, Norman J. Steffey and wife, Helen, of Kansas City, Kan.

Services have been scheduled for 1 p.m. on Friday August 22, 2003, at the Frank W. Wilson Funeral Directors Chapel. Interment will follow at Resthaven Memorial Park in Midland.

Services entrusted to Frank W. Wilson Funeral Directors.

RECEIVED

SEP 04 2003

TEXAS PODIATRIC
MEDICAL EXAMINERS